

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CONSOLIDATED COMMERCIAL CONTROLS, INC.	:	
	:	CASE NO. 1:08-cv-04388
Plaintiff,	:	Honorable Virginia M. Kendall
	:	
v.	:	
	:	
5 STAR SUPPLY LLC, et al.	:	
	:	
Defendants.	:	AUGUST 29, 2008
	:	

DECLARATION OF ROBERT G. MASTROFRANCESCO

I, Robert G. Mastrofrancesco, state under the pains and penalties of perjury as follows:

1. I am over the age of eighteen (18) and understand my obligation when making a statement to this Court under the pains and penalties of perjury.
2. I reside in and am a citizen of the State of Connecticut.
3. At the time of Plaintiff's acquisition of ICS, I had been employed by ICS for approximately twenty-seven (27) years as Export Sales and Customer Service Manager. As Export Sales and Customer Service Manager for ICS, I was responsible for overseeing all sales and customer service reps for domestic and international sales. After Plaintiff's acquisition of ICS, I was demoted to Customer Service Manager, reporting to a Manager in Chicago, and I was no longer responsible for export sales.
4. Due to dissatisfaction with Plaintiff's operation of the former ICS and my desire not to work for a Chicago-based entity, I determined to resign my employment with Plaintiff. I resigned my employment with Plaintiff effective June 24, 2008.

5. At no time was I a party to an employment contract with either ICS or Plaintiff. I was not subject to any post-employment restrictions regarding competition or solicitation of employees or customers of ICS or Plaintiff. Having no such limitations, after resigning from Plaintiff's employ, I became employed by Defendant 5 Star Supply LLC.

6. I did not misappropriate any confidential or trade secret information of Plaintiff, and I have not and will not utilize any confidential or trade secret information of Plaintiff in connection with the my new employment.

7. I did not transfer any information to a portable memory device while in Plaintiff's employ. In fact, prior to learning of the accusations against me in this case, I did not even know what a portable memory device looked like.

8. Paul Cohen accessed my computer with great regularity prior to my resignation, and, in fact, he apparently implemented a significant computer conversion the very weekend (Father's Day, which day I spent with my family, away from the office) that Plaintiff alleges that I downloaded computer information. Attached hereto as Exhibit A is a copy of a notice of the conversion that I received upon my arrival at work later that same week.

9. Plaintiff failed to pay me the wages due me for the last two days of my employment.

10. I do not own any property or maintain any bank accounts in Illinois.

11. Other than in the course of my employment, I have never been to the state of Illinois or transacted any business there.

12. After Plaintiff's acquisition of ICS, I was required to attend a management meeting at Plaintiff's home office in Chicago, Illinois in November 2007.

13. I never visited Plaintiff's home office again after the initial management meeting.

14. While employed by ICS and in furtherance of my duties therewith, I attended an annual trade show in Illinois (8) times over the past twenty-seven (27) years, at ICS's expense. I did not attend the trade show in the last five (5) years.

15. Other than the foregoing limited visits, which were undertaken at the direction of and for the benefit of Plaintiff or its predecessor in interest, I have not visited Illinois for any purpose whatsoever.

16. Since my resignation from Plaintiff's employ, I have not conducted business in Illinois; I do not maintain an office or employees within Illinois; I have not sent agents into Illinois to conduct business; I have not advertised or solicited business in Illinois; and I have not designated an agent for service of process in Illinois.

The foregoing statements were made under the pains and penalties of perjury.



Robert G. Mastrofrancesco 8-29-08
Date

EXHIBIT A

June 16, 2008

Good Morning!

Things have changed on the network. Your log-ins are the most obvious. You now log in with your username as first initial and last name. For today, your password is:

Password1

This password is linked to Citrix as well, so when your Windows password changes, so will your Citrix password. We will be changing passwords Wednesday morning. For now, everyone has the same password so that I can troubleshoot any issues.

Printing. I added printers near you to your profile. If there are printers you need that are not listed, please let me know and I will show you how to add them.

Desktop icons and favorites for Internet from your old log on. Those are still on your computer. If you need access to those files, please let me know and I will come by and get them copied to your new desktop.

I have locked down the ability to easily make changes to your computer. This aids in ease of support. Please do not put any colored wall papers on your desktop. If we ever need to remotely connect to your computer, these colored wall papers lag out the connection. If I find any images on your desktops on-going, they will be removed. Please help us by keeping these off of your screen. The same rule will be in place in all three locations. We will further lock down the PCs as time goes on. Keep in mind, we are a larger organization now and we need to be more uniform regarding technology so that we stay consistent. Thanks for your cooperation.

All of your e-mail has been transferred to the new server and all local copies of Office have been uninstalled. To access your e-mail, please double-click on the MS Office 2007 folder on your desktop and then double-click Outlook. Later, I will be sending some tutorials on the new version of Outlook. For now, the default setup is implemented.

Other than HOW you log in, not much else has changed on your end. If, however, you have any issues, please let me know ASAP and I will add them to my list of items to help with. Today and tomorrow I hope to wrap up the MS Access issues as much as possible. In this regard, please be patient. While Access works great in a single office environment, now that we are three offices, with all data in a remote office, Access becomes extremely difficult to manage.

Faxing in SX is still down until later this week. I will let you all know when this is back up.

Have a great day.

Paul

EXHIBIT B

Check-Mate Earnings Report
Check Detail

Request Number: 31

Check Sequence Number: 1

Co	File	Dept
MRA	102	Sales

Social Security Number: Robert Mastrofrancesco

Taxable Marital Status: Married

Exemptions/Allowances:

Federal: 0

State: 0

Local: 0

Earnings	Hours	This Period
Regular	0.00	611.52
Overtime	0.00	0.00

Gross Pay	\$611.52
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~~Deductions~~

Statutory

Federal Income Tax 30.38

Social Security Tax 37.92

Medicare Tax 8.86

State Income Tax 1.57

Other

Unearned Vacation	\$532.79
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Net Pay	0.00
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